

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE
Rome
MAR - 1 2004

IN RE: TRI-STATE
CREMATORY LITIGATION

MDL DOCKET NO. 1467

CLERK
Deputy Clerk

PLAINTIFFS' FOURTH AMENDMENT/SUPPLEMENT
TO PRETRIAL ORDER

COME NOW plaintiffs, by and through Class Counsel, and herewith respectfully file the within and foregoing amendments and/or supplements (shown in **bold** herein) to the Consolidated Pretrial Order filed in this Court on January 28, 2004, by paragraph as numbered in the Pretrial Order:

19.

Attached hereto as Attachment "G-1" for the plaintiff, "G-2" for the defendant, and "G3", etc. for all other parties are the typed lists of all documentary and physical evidence that will be tendered at trial. Learned treatises which are expected to be used at trial shall not be admitted as exhibits. Counsel are required, however, to identify all such treatises under a separate heading on the party's exhibit list.

Each party's exhibits shall be numbered serially, beginning with 1, and without the inclusion of any alphabetical or numerical subparts. Adequate space must be left on the left margin of each party's exhibit list for court stamping purposes. A courtesy copy of each party's list must be submitted for use by the judge.

Prior to trial, counsel shall mark the exhibits as numbered on the attached lists by affixing numbered yellow stickers to plaintiffs exhibits, numbered blue stickers to defendant's exhibits, and numbered white stickers to joint exhibits. When there are multiple plaintiffs or defendants, the surname of the particular plaintiff or defendant shall be shown above the number on the stickers for that party's exhibits.

Specific objections to another party's exhibits must be typed on a separate page and must be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits shall be included. Any listed document to which an objection is not raised shall be deemed to have been stipulated as to authenticity by the parties and shall be admitted at trial without further proof of authenticity.

Unless otherwise noted, copies rather than originals of documentary evidence may be used at trial. Documentary or physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

Counsel shall familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed.

Plaintiffs herewith submit an amended and restated Attachment “F-1” Witness List.

Respectfully Submitted, this 15th day of ~~February~~^{MARCH}, 2004.



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Dated this 1st day of ^{March} ~~February~~, 2004.

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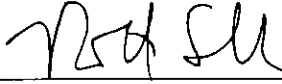
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Plaintiffs' Steering Committee

PROOF OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing was served by postage prepaid United States mail on the 1st of February, 2004 addressed to those listed below:



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Attachment "G-1"
TRI-STATE CREMATORY
PLAINTIFFS' EXHIBIT LIST

Exh. No.	Description	Tendered	Admitted
1)	Collective exhibit of all client files produced by defendants.		
2)	Summary of chart of decedents sent to Tri-State Crematory (sorted first by funeral home and then by year of death)		
3)	Aerial photographs of Marsh property		
4)	Aerial diagram of Marsh property		
5)	Drawing by Gerald Cook of property from investigative files		
6)	Collective exhibit of photographs of Tri-State grounds taken by Georgia Bureau of Investigation (GBI)		
7)	Collective exhibit of photographs of remains discovered on Tri-State grounds taken by GBI;		
8)	Photographs of uncremated decedent entrusted to Wann discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 00547, 00549, 00556, 00574)		
9)	Photographs of uncremated decedent entrusted to R.D.Moore discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 00639, 00641, 00644, 00652)		
10)	Photographs of uncremated decedent entrusted to Taylor discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 01477, 01478, 01479, 01489)		
11)	Photographs of uncremated decedent entrusted to Ryan discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 03720, 03725, 03735, 03754)		
12)	Photographs of uncremated decedent entrusted to		

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Exh. No.	Description	Tendered	Admitted
	Sequatchie Valley discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 09863, 09865, 09867, 09876)		
13)	Photographs of uncremated decedent entrusted to Cumberland discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 10503, 10513, 10519, 10540)		
14)	Photographs of uncremated decedent entrusted to Foster & Sons discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 07109, 07110, 07117, 07118)		
15)	Photographs of uncremated decedent entrusted to Thomas & Sons discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 06861, 06869, 06872, 06874)		
16)	Photographs of uncremated decedent entrusted to Erwin Pettit discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 10096, 10101, 10108, 10120)		
17)	Photographs of uncremated decedents entrusted to House of Overstreet and Family Mortuary discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 10720, 10725, 10726, 10730, 12604, 12630, 12638, 12640)		
18)	Photographs of uncremated decedent entrusted to Turner discovered and identified on the Tri-State grounds (GBI "identified bodies disc," photograph numbers 05366, 05369, 05370, 05371)		
19)	GBI aerial diagram of site;		
20)	Exhibits from the deposition of Kris Sperry taken 5/20/03 regarding adulterated remains; GBI document numbers 874, 61, 55, 573, 878, 407, 467-469, 376, 423, 859, 515, 694, 74/1301, 38, 13, 368, 49, 51, 130,		

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Exh. No.	Description	Tendered	Admitted
	65, 24, 378, 253-255, 413, 361, 610, 668, 435, 417, 418, 440, 717, 480, 570, 825, 345-347, 372, 785, 629, 895, 190, 592, 540, 370, 882, 443, 935, 697, 808, 584, 704, 58, 59, 725, 837, 852, 26, 67, 409, 5/1303, 374, 403, 420, 421, 466, 538, 714, 761, 47, 397, 679, 910, 383, 384, 864, 364, 30, 57, 43, 21, 712, 889, 357, 53, 844, 16, 405, 736, 737, 40, 32, 680, 415, 433, 434, 552, 69, 395.		
21)	Summary chart of adulterated remains from GBI investigation		
22)	G.B.I. evidence receipt regarding adulterated remains of loved one of class member Bryant, date of death 1996		
23)	Operators Manual for Tri-State Crematory retort (I.E.E.) GBI "crematory records" disc, numbers 42103 - 42146.		
24)	CANA Guide to Correct Cremating Procedures (42048), copyright 1980 recovered from Tri-State by the GBI		
25)	Receipts of remains delivered by Tri-State (GBI documents 47645 - 47709)		
26)	Day Planners recovered from Tri-State		
27)	GBI Forensic Auditor reports from Special Agent Rumery		
28)	Industrial Equipment & Engineering Letter from Paul F. Rahill to Marsh Vault & Grave, dated January 9, 1980 (TSC 6990)		
29)	Industrial Equipment & Engineering Co. invoice dated 05/28/1982 for Econ-O-Pak cremator (TSC 4027)		
30)	Note "need a pet cremated" (TSC 1090)		
31)	Note to "Ray" "LaShae and Clara have gone to Manchester ... to Gilmore ... I have gone to Buckner" signed "Ray" (TSC 1111)		

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Exh. No.	Description	Tendered	Admitted
32)	"Agreement Pertaining to Identification Procedures" between J.D.Hill Funeral Home and Tri-State Crematory, dated August 10, 2001, signed by Ray Marsh		
33)	Ray Marsh work orders for Blossman Gas, Inc. in 2001		
34)	Disclosure Statement from Bankers First dated 8/2/1994 for Tommy Ray Marsh and Clara Chestnut Marsh for "remodel house" (TSC 2986)		
35)	Photographs of Charles Crawford's facility		
36)	Metal identification disk		
37)	Photographs David Kirkland's facility		
38)	Map showing location of funeral homes and Tri-State		
39)	Correspondence dated 01/17/1994 from Henry-Cochran Funeral Home to "Funeral Director" announcing the opening of its licensed crematory (TSC 1460)		
40)	Mortuary Management publication dated October 1984 titled "Cremation Ethics"		
41)	"An Identification of Human Remains Procedure to Avoid Litigation," Funeral Service Business and Legal Guide 1995, issue 4		
42)	"Avoiding Cremation Liability," Funeral Service Business and Legal Guide, 1996, issue 7-8		
43)	CANA Code of Cremation Practice		
44)	The Cremationist of North America, Vol. 38, No. 1, 2002, February/March/April issue		
45)	CANA Recommended Procedures for Handling Dead Human Bodies by an Authorized Crematory Authority		
46)	CANA Guidelines for Funeral Directors Who Do Not Have A Crematory – What To Inspect		

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Exh. No.	Description	Tendered	Admitted
47)	CANA Tri-State press release		
48)	Blossman gas computer business records documenting gas purchases for Tri-State		
49)	Defendant Turner Funeral Home's Responses to Plaintiffs' First Master Interrogatories		
50)	Defendant R. D. Moore Funeral Home, Inc.'s Responses to Plaintiffs' First Master Interrogatories		
51)	Defendant R. D. Moore Funeral Home, Inc.'s Responses to Plaintiffs' First Master set of Document Requests		
52)	Defendant Taylor Funeral Home of Chattanooga, Incorporated's Second Supplemental Responses to Plaintiffs' First Master Interrogatories		
53)	Defendant Taylor Funeral Home of Chattanooga, Incorporated's Responses to Plaintiffs' First Master set of Document Requests		
54)	Defendant Sequatchie Valley Memorial Funeral Home and Gardens Inc.'s Responses to Plaintiffs' First Master Interrogatories		
55)	Defendant Sequatchie Valley Memorial Funeral Home and Gardens Inc.'s Second Supplemental Responses to Plaintiffs' First Master Document Requests		
56)	Defendant Erwin Pettit Funeral Home, Inc.'s Responses to Plaintiffs' First Master Set of Interrogatories		
57)	Defendant Erwin Pettit Funeral Home, Inc.'s Responses to Plaintiffs' First Master set of Document Requests		
58)	Defendant Wann Funeral Home's Answers to Plaintiffs' First Master Set of Interrogatories		

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Exh. No.	Description	Tendered	Admitted
59)	Defendant Wann Funeral Home's Responses to Plaintiffs' First Master Set of Document Requests		
60)	Responses of Foster & Sons Funeral Home and Foster & Lay Funeral Home, Inc. to Plaintiffs' First Interrogatories		
61)	Answers to Plaintiffs' First Set of Master Interrogatories to Defendants By Defendant House of Overstreet Mortuary, Inc. and Family Mortuary, Inc.		
62)	Response to Plaintiffs' First Master Set of Document Requests to Funeral Home Defendants by Defendant House of Overstreet Mortuary, Inc. and Family Mortuary, Inc.		
63)	Defendant Ryan Funeral Home, Inc.'s Supplemental Responses to Plaintiffs' First Master Set of Interrogatories		
64)	Defendant Ryan Funeral Home, Inc.'s Supplemental Responses to Plaintiffs' First Master Set of Document Requests		
65)	Defendant Thomas & Son Funeral Home, Inc.'s Responses to First Master Set of Interrogatories		
66)	Defendant Thomas & Son Funeral Home, Inc.'s Responses to First Master Set of Document Requests		
67)	Response of Dean Lay d/b/a Cumberland Funeral Home – Tracy City Responses to Plaintiffs' First Interrogatories and Request for Production of Documents		
68)	Photographs taken by Dr. John Williams, January 29, 2004, of wood chippers;		
69)	Photographs taken by Dr. John Williams, January 29, 2004, of remains found on Tri State Crematory grounds;		
70)	Data regarding cremated remains examined by Dr. John Williams;		

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Exh. No.	Description	Tendered	Admitted
71)	Data regarding cremated remains examined by Dr. William Bass;		
72)	Empty plastic box in which remains were returned from Tri-State Crematory		
73)	No. 5 Standard Test Sieve (4 mm) (for demonstrative purposes only)		
74)	No. 10 Standard Test Sieve (2 mm) (for demonstrative purposes only)		
75)	samples of burned bones (for demonstrative purposes only)		
76)	cremated remains from Tri-State Crematory sorted by particle size		
77)	Photographs of and materials removed from remains returned to Gretchen Edmiston		
78)	Cremated remains from facility other than Tri-State (for demonstrative purposes only)		
79)	Attorney General Opinion Letter dated 06/08/1981		
80)	Statutory provisions regarding licensure		
81)	Contract for Directory Advertising Service dated 06/10/1998 (TSC 3521)		
82)	L.M. Berry & Company regarding advertising in the yellow pages (TSC 3587)		
83)	Telephone Directory advertisements of Tri-State Crematory		
84)	Documents listed by any other party		

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